



# बिहार गजट

## असाधारण अंक

### बिहार सरकार द्वारा प्रकाशित

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अधिसूचना

14 अक्टूबर 2015

एस0ओ0 269, दिनांक 15 अक्टूबर 2015—भारत सरकार का निम्नलिखित अधिनियम जिसपर भारत के राष्ट्रपति की अनुदेश तिथि..... को प्राप्त हो गयी है, सर्व-साधारण की सूचना के लिये इसके द्वारा पुनः प्रकाशित किया जाता है।

क्रमांक	अधिनियम का नाम	अनुदेश प्राप्ति की तिथि
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1.	THE CITIZENSHIP (AMENDMENT) ACT, 2015,	10.03.2015 ACT No.-1/2015
2.	THE PUBLIC PREMISES (EVICTION OF UNAUTHORISED OCCUPANTS) AMENDMENT ACT, 2015.	13.03.2015 ACT No.-2/2015

(सं0 एल0जी0-6-03/2013/139/लेजः)

बिहार-राज्यपाल के आदेश से,

संजय कुमार,

सरकार के सचिव।

**1.-THE CITIZENSHIP (AMENDMENT) ACT, 2015***further to amend the Citizenship Act, 1955.*

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:-

1. (1) This Act may be called the Citizenship (Amendment) Act, 2015.

**Short title and commencement.**

(2) It shall be deemed to have come into force on the 6th day of January, 2015.

**57 of 1955.****Amendment of section 2.**

2. In the Citizenship Act, 1955 (hereinafter referred to as the principal Act), in section 2, in sub-section (1), for clause (ee), the following clause shall be substituted, namely:-

'(ee) "Overseas Citizen of India Cardholder" means a person registered as an Overseas Citizen of India Cardholder by the Central Government under section 7 A;

**Amendment of section 5.**

3. In the principal Act, in section 5,-

(i) in sub-section (1),-

(a) in clause (f), for the words "has been residing in India for one year", the words "is ordinarily resident in India for twelve months" shall be substituted;

(b) in clause (g), -

(A) for the words "Overseas Citizen of India", the words "Overseas Citizen of India Cardholder" shall be substituted;

(B) for the words "has been residing in India for one year", the words "is ordinarily resident in India for twelve months" shall be substituted;

(ii) after sub-section (1), the following sub-section shall be inserted, namely:-

"(1 A) The Central Government, if it is satisfied that special circumstances exist, may after recording the circumstances in writing, relax the period of twelve months, specified in clauses (f) and (g) and clause (i) of *Explanation 1* of sub-section (1), up to a maximum of thirty days which may be in different breaks."

**Substitution of new sections for sections 7A, 7B, 7C and section 7D.**

4. In the principal Act, for sections 7 A, 7B, 7C and section 7D, the following sections shall be substituted, namely:-

**Registration of Overseas Citizen of India Cardholder.**

"7 A. (1) The Central Government may, subject to such conditions, restrictions and manner as may be prescribed, on an application made in this behalf, register as an Overseas Citizen of India Cardholder-

(a) any person of full age and capacity,-

. (i) who is a citizen of another country, but was a citizen of India at the time of, or at any time after the commencement of the Constitution; or

(ii) who is a citizen of another country, but was eligible to become a citizen of India at the time of the commencement of the Constitution; or

(iii) who is a citizen of another country, but belonged to a territory, that became part of India after the 15th day of August, 1947; or,

(iv) who is a child or a grandchild or a great grandchild of such a citizen; or

(b) a person, who is 'a minor child of a person mentioned in clause (a); or

(c) a person, who is a minor child, and whose both parents are citizens of India or one of the parents is a citizen of India; or

(d) spouse of foreign origin of a citizen of India or spouse of foreign origin of an Overseas Citizen of India Cardholder registered under section 7 A and whose marriage has been registered and subsisted for a continuous period of not less than two years immediately preceding the presentation of the application under this section:

Provided that for the eligibility for registration as an Overseas Citizen of India Cardholder, such spouse shall be subjected to prior security clearance by a competent authority in India:

Provided further that no person, who or either of whose parents or grandparents or great grandparents is or had been a citizen of Pakistan, Bangladesh or such other country as the Central Government may, by notification in the Official Gazette, specify, shall be eligible for registration as an Overseas Citizen of India Cardholder under this sub-section.

(2) The Central Government may, by notification in the Official Gazette, specify the date from which the existing Persons of Indian Origin Cardholders shall be deemed to be Overseas Citizens of India Cardholders.

*Explanation.-* For the purposes of this sub-section, "Persons of Indian Origin Cardholders" means the persons registered as such under notification number 26011 4/98 F.I., dated the 19th August, 2002, issued by the Central Government in this regard.

(3) Notwithstanding anything contained in sub-section (1), the Central Government may, if it is satisfied that special circumstances exist, after recording the circumstances in writing, register a person as an Overseas Citizen of India Cardholder.

#### **Conferment of rights on Overseas Citizen of India Cardholder.**

7B. (1) Notwithstanding anything contained in any other law for the time being in force, an Overseas Citizen of India Cardholder shall be entitled to such rights, other than the rights specified under sub-section (2), as the Central Government may, by notification in the Official Gazette, specify in this behalf.

(2) An Overseas Citizen of India Cardholder shall not be entitled to the rights conferred on a citizen of India-

(a) under article 16 of the Constitution with regard to equality of opportunity in matters of public employment;

(b) under article 58 of the Constitution for election as President;

(c) under article 66 of the Constitution for election as Vice-President;

(d) under article 124 of the Constitution for appointment as a Judge of the Supreme Court;

(e) under article 217 of the Constitution for appointment as a Judge of the High Court;

#### **43 of 1950.**

(f) under section 16 of the Representation of the People Act, 1950 in regard to registration as a voter;

#### **43 of 1951.**

(g) under sections 3 and 4 of the Representation of the People Act, 1951 with regard to the eligibility for being a member of the House of the People or of the Council of States, as the case may be;

#### **43 of 1951**

(h) under sections 5, 5A and section 6 of the Representation of the People Act, 1951 with regard to the eligibility for being a member of the Legislative Assembly or the Legislative Council, as the case may be, of a State;

(i) for appointment to public services and posts in connection with affairs of the Union or of any State except for appointment in such services and posts as the Central Government may, by special order in that behalf, specify.

(3) Every notification issued under sub-section (1) shall be laid before each House of Parliament.

#### **Renunciation of Overseas Citizen of India Card.**

7C. (1) If any Overseas Citizen of India Cardholder of full age and capacity makes in prescribed manner a declaration renouncing the Card registering him as an Overseas Citizen of India Cardholder, the declaration shall be registered by the Central Government, and upon such registration, that person shall cease to be an Overseas Citizen of India Cardholder.

(2) Where a person ceases to be an Overseas Citizen of India Cardholder under sub-section (1), the spouse of foreign origin of that person, who has obtained Overseas Citizen of India Card under clause (d) of sub-section (1) of section 7 A, and every minor child of that person registered as an Overseas Citizen of India Cardholder shall thereupon cease to be an Overseas Citizen of India Cardholder.

#### **Cancellation of registration as Overseas Citizen of India Cardholder.**

7D. The Central Government may, by order, cancel the registration granted under sub-section (1) of section 7 A, if it is satisfied that-

(a) the registration as an Overseas Citizen of India Cardholder was obtained by means of fraud, false representation or the concealment of any material fact; or

(b) the Overseas Citizen of India Cardholder has shown disaffection towards the Constitution, as by law established; or

(c) the Overseas Citizen of India Cardholder has, during any war in which India may be engaged, unlawfully traded or communicated with an enemy or been engaged in, or associated with, any business or commercial activity that was to his knowledge carried on in such manner as to assist an enemy in that war; or

(d) the Overseas Citizen of India Cardholder has, within five years after registration under sub-section (1) of section 7 A, been sentenced to imprisonment for a term of not less than two years; or

(e) it is necessary so to do in the interests of the sovereignty and integrity of India, the security of India, friendly relations of India with any foreign country, or in the interests of the general public; or

(f) the marriage of an Overseas Citizen of India Cardholder, who has obtained such Card under clause (d) of sub-section (1) of section 7 A,-

(i) has been dissolved by a competent court of law or otherwise; or

(ii) has not been dissolved but, during the subsistence of such marriage, he has solemnised marriage with any other person. "

#### **Amendment of section 18.**

5. In the principal Act, in section 18, in sub-section (2), after clause (ee), the following clauses shall be inserted, namely:-

"(eea) the conditions and the manner subject to which a person may be registered as an Overseas Citizen of India Cardholder under sub-section (1) of section 7 A;

(eeb) the manner of making declaration for renunciation of Overseas Citizen of India Card under sub-section (1) of section 7C;"

#### **Amendment of Third Schedule.**

6. In the principal Act, in the Third Schedule, in clause (c), the following proviso shall be inserted, namely:-

"Provided that if the Central Government is satisfied that special circumstances exist, it may, after recording the circumstances in writing relax the period of twelve months up to a maximum of thirty days which may be in different breaks. "

**Repeal and saving.**

**Ord 1 of 2015.**

7. (1) The Citizenship (Amendment) Ordinance, 2015 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the corresponding provisions of the principal Act, as amended by this Act.

**2.-THE PUBLIC PREMISES (EVICTION OF UNAUTHORISED**

**OCCUPANTS) AMENDMENT ACT, 2015**

**(As Passed by The houses of Parliament)**

**An Act**

*further to amend the Public Premises (Eviction of Unauthorised Occupants) Act, 1971.*

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:-

**Short title and Commencement.**

1. (I) This Act may be called the Public Premises (Eviction of Unauthorised Occupants) Amendment Act, 2015.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

**40 of 1971.**

**Amendment of section 2.**

2. In the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (hereinafter referred to as the principal Act), in section 2, in clause (e), in sub-clause (2),-

(A) in item (i), for the words and figures "the Companies Act, 1956", the words and figures "the Companies Act, 2013" shall be substituted;

(B) in item (ii), for the words and figures "the Companies Act, 1956", the words and figures "the Companies Act, 2013" shall be substituted;

(C) for item (iii), the following items shall be substituted, namely:-

**18 of 2013.**

'(iii) any company as defined in clause (20) of section 2 of the Companies Act, 2013 in which not less than fifty-one per cent. of the paid up capital is held partly by the Central Government and partly by one or more State Governments and includes a company which is a subsidiary (within the meaning of that Act) of the first-mentioned company and which carries on the business of public transport including metro railway.

*Explanation.-* For the purposes of this item, "metro railway" shall have the same meaning as assigned to it in clause (i) of sub-section (1) of section 2 of the Metro Railway (Operation and Maintenance) Act, 2002;

**60 of 2002.**

(iiiia) any University established or incorporated by any Central Act,;

(D) for item (v), the following item shall be substituted, namely:-

**38 of 1963.**

"(v) any Board of Trustees or any successor company constituted under or referred to in the Major Port Trusts Act, 1963;";

(E) in sub-clause (3),-

**44 of 1994.**

(a) in item (i), for the words "Municipal Corporation", the words, brackets and figures "Council as defined in clause (9) of section 2 of the New Delhi

Municipal Council Act, 1994 or Corporation or Corporations notified under sub-section (1) of section 3 of the Delhi Municipal Corporation Act, 1957," shall be substituted;

**66 of 1957.**

(b) after item (iii), the following item shall be inserted, namely:-

'(iv) any premises belonging to, or taken on lease by, or on behalf of any Government company as defined in clause (45) of section 2 of the Companies Act, 2013.

**18 of 2013.**

*Explanation.*- For the purposes of this clause, the expression, "State Government" occurring in clause (45) of the said section shall mean the Government of the National Capital Territory of Delhi. '

(F) in clause (fa), -

(a) in sub-clause (ii), after the words, brackets and figures "in item (i) of sub-clause (2)", the words, brackets and figures "and in item (iv) of sub-clause (3)" shall be inserted;

(b) in sub-clause (v), for the word "Corporation", the words "Council, Corporation or Corporations" shall be substituted.

**Amendment of section 4.**

3. In section 4 of the principal Act,-

(a) for sub-section (I), the following sub-sections shall be substituted, namely:-

"(I) If the estate officer has information that any person is in unauthorised occupation of any public premises and that he should be evicted, the estate officer shall issue in the manner hereinafter provided a notice in writing within seven working days from the date of receipt of the information regarding the unauthorised occupation calling upon the person concerned to show cause why an order of eviction should not be made.

(IA) If the estate officer knows or has reasons to believe that any person is in unauthorised occupation of the public premises, then, without prejudice to the provisions of sub-section (1), he shall forthwith issue a notice in writing calling upon the person concerned to show cause why an order of eviction should not be made.

(1 B) Any delay in issuing a notice referred to in sub-sections (1) and (1 A) shall not vitiate the proceedings under this Act.";

(b) in sub-section (2), in clause (b), in sub-clause (i), for the words "earlier than", the words "later than" shall be substituted.

**Amendment of section 5.**

4. In section 5 of the principal Act,-

(a) for sub-section (I), the following sub-section shall be substituted, namely:-

"(I) If, after considering the cause, if any, shown by any person in pursuance of a notice under section 4 and any evidence produced by him in support of the same and after personal hearing, if any, given under sub-clause (ii) of clause (b) of sub-section (2) of section 4, the estate officer is satisfied that the public premises are in unauthorised occupation, the estate officer shall make an order of eviction, for reasons to be recorded therein, directing that the public premises shall be vacated, on such date as may be specified in the order but not later than fifteen days from the date of the order, by all persons who may be in occupation thereof or any part thereof, and cause a copy of the order to be affixed on the outer door or some other conspicuous part of the public premises:

Provided that every order under this sub-section shall be made by the estate officer as expeditiously as possible and all endeavour shall be made by him to issue the order within fifteen days of the date specified in the notice under

sub-section (1) or sub-section (1 A), as the case may be, of section 4. ";

(b) after sub-section (2), the following proviso shall be inserted, namely:-

"Provided that if the estate officer is satisfied, for reasons to be recorded in writing, that there exists any compelling reason which prevents the person from vacating the premises within fifteen days, the estate officer may grant another fifteen days from the date of expiry of the order under sub-section (1) to the person to vacate the premises."

#### **Amendment of section 7.**

5. In section 7 of the principal Act,-

(a) in sub-section (2A), for the words "simple interest", the words "compound interest" shall be substituted;

(b) in sub-section (3), for the words "within such time as may be specified in the notice", the words "within seven days from the date of issue thereof" shall be substituted;

(c) after sub-section (3), the following sub-section shall be inserted, namely:-

"(4) Every order under this section shall be made by the estate officer as expeditiously as possible and all endeavour shall be made by him to issue the order within fifteen days of the date specified in the notice."

#### **Amendment of section 9.**

6. In section 9 of the principal Act,-

(a) in sub-section (2), for the proviso, the following proviso shall be substituted, namely:-

"Provided that the appellate officer may entertain the appeal in exceptional cases after the expiry of the said period, if he is satisfied for reasons to be recorded in writing that there was compelling reasons which prevented the person from filing the appeal in time. ";

(b) for sub-section (4), the following sub-section shall be substituted, namely:-

"(4) Every appeal under this section shall be disposed of by the appellate officer as expeditiously as possible and every endeavour shall be made to dispose of the appeal finally within one month from the date of filing the appeal, after providing the parties an opportunity of being heard."

अधीक्षक, सचिवालय मुद्रणालय,

बिहार, पटना द्वारा प्रकाशित एवं मुद्रित।

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